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EXAMINER

MORGAN, ROBERT W

ART UNIT PAPER NUMBER

3626

DATE MAILED: 09/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/694,050

Applicant(s)

WEINSTOCK ET AL.

Examiner

Robert W. Morgan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-94 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-94 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/7/03 has been entered.

### ***Response to Amendment***

2. In the Preliminary amendment filed 5/5/05 and Supplemental amendment filed 6/25/03 in paper numbers 23 and 25 respectively, the following has occurred: Claims 52 and 58 have been amended twice and claims 69-89 have been added. Claims 1-2, 4-12, 14-35, 41-47, 51, 53, 60, 62-63, 65-72, 76-78, 80-81 and 83-89 have been amended and claims 90-94 have been added. Now claims 1-94 are presented for examination.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-40, 45-46, 51-61 and 65-94 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,794,207 to Walker et al. in view of "Many Ways to Sell" by Travel Agent in further view of U.S. Patent No. 6,125,384 to Brandt et al.

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As per claim 1, Walker et al. teaches a method and apparatus for bilateral buyer-driven commerce comprising a seller interface (300, Fig. 1), central controller (200, Fig. 1) and buyer interface (400, Fig. 1) all connected via an Internet connection (see: column 11, lines 55-59). In addition, Walker et al teaches in box (515, Fig. 5), that a buyer logs on to central controller to purchase for example, a rental car using a electronic form or contract, the form is displayed via the buyer interface (400, Fig. 1) (see: column 16, lines 15, line 60 to column 16, line 11). Walker et al. further teaches that the form is a conditional purchase offer (CPO), which specifies the subject of the goods a person wishes to purchase, a description of the goods a person wishes to obtain, and any other conditions the buyer requires (see: column 8, lines 46-49). The CPO may be transcribed into digital text and made available to potential sellers ("plurality of competitive providers") (see: column 17, lines 7-19 and column 18, lines 15-21). Additionally, buyers are able to reach a large number of remotely located sellers (see: column 10, lines 40-43).

Walker et al. fail to teach:

a rental vehicle software;

a third party authorized purchaser;

provide on-going management of the reservation as it is fulfilled; and

a rental vehicle reservation having sufficient information for authorizing, processing and billing said rental vehicle transaction so that a rental vehicle transaction may be automatically processed thereby for any one of said plurality of said competitive rental vehicle service providers.

Travel Agent teaches Enterprise Rent-a-Car 24-hour car reservation service that enables insurance adjusters to quickly secure a car for customers. Automated Rental Management

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System or ARMS, allows insurance companies to do business with Enterprise electronically, including making reservation, rental extensions, billing and payment (see: paragraph 2).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include Enterprise Rent-a-Car 24-hour car reservation service as taught by Travel Agent within the bilateral buyer-driven commerce method for car rental as taught Walker et al. with the motivation of allowing authorized user to provide reliable and dependable service to customer involved in rental car insurance claim.

Walker et al. and Travel Agent fail to expressly teach rental vehicle software.

Brandt et al. teaches FlowMark application software with purpose of renting a car that allows an authorized user to enter car rental information through a rental car agency's web site form (see: column 14, line 53 to column 15, line 37). Brandt et al. further teaches that the FlowMark application software outputs data container, which include car rental reservation information (see: column 14, lines 6-10 and 53-64).

One of ordinary skill in the art at the time the invention was made would have found it obvious to include the FlowMark application software for car rental within the Walker et al and Travel Agent system with the motivation of providing record keeping and tracking of rental car activity thereby supplying the user with accurate and precise reports.

As per claim 2, Walker et al. teaches said third party authorized purchaser comprises a business organization, said business organization having a plurality of authorized purchasers, said plurality of authorized purchasers being enabled to access said Internet web site from any location offering Internet web access, and wherein said at least one of said competitive rental vehicle service providers further comprises a second business organization, said second business

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organization having the computer system and rental vehicle software program resident therein, and wherein said second business organization includes a plurality of geographically diverse rental vehicle locations.

These limitations are met by the method and apparatus for bilateral buyer-driven commerce comprising a seller interface (300, Fig. 1), central controller (200, Fig. 1) and buyer interface (400, Fig. 1) all connected via an Internet connection (see: column 11, lines 55-59). In addition, Walker et al. teaches in box (515, Fig. 5), that a buyer (business organization) logs on to central controller to purchase for example, a rental car and an electronic form or contract is displayed on the buyer interface (400, Fig. 1) (see: column 16, lines 15, line 60 to column 16, line 11). Furthermore, Walker et al. teaches that the form is a conditional purchase offer (CPO), which specifies the subject of the goods a person wishes to purchase, a description of the goods a person wishes to obtain, and any other conditions the buyer requires (see: column 8, lines 46-49). The CPO may be transcribed into digital text and made available to potential sellers (second business organization) (see: column 17, lines 7-19 and column 18, lines 15-21). Additionally, buyers are able to reach a large number of remotely located sellers (see: column 10, lines 40-43).

As per claim 3, Walker et al. teaches the claimed said rental vehicle software program is configured to permit a rental vehicle reservation to be initiated remote from said authorized purchaser and communicated to said authorized purchaser for authorization. This feature is met in box (515, Fig. 5), where a buyer logs on to central controller to purchase, for example, a rental car and an electronic form or contract is displayed on the buyer interface (400, Fig. 1) (see: column 16, lines 15, line 60 to column 16, line 11). In addition, Walker et al. teaches that the form is a conditional purchase offer (CPO), which specifies the subject of the goods a person

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wishes to purchase, a description of the goods a person wishes to obtain, and any other conditions the buyer requires (see: column 8, lines 46-49). The CPO may be transcribed into digital text and made available to potential sellers (see: column 17, lines 7-19 and column 18, lines 15-21).

As per claims 4-5, Travel Agent teaches the claimed said rental vehicle software program is configured to permit said authorized purchasers to modify said rental vehicle reservation through said Internet web site including extending a time period for which said reservation authorizes use of a rental vehicle (see: paragraph 2).

As per claim 6, Brandt et al. teach a rental vehicle software program is configured to permit said authorized purchaser to generate reports relating to rental vehicle reservation activity conducted through said rental vehicle software program. This limitation is met by the FlowMark application software with purpose of renting a car that allows an authorized user to enter car rental information through a rental car agency's web site form (see: column 14, line 53 to column 15, line 37). Brandt et al. further teaches that the FlowMark application software outputs data container, which include car rental reservation information (see: column 14, lines 6-10 and 53-64).

One of ordinary skill in the art at the time the invention was made would have found it obvious to include the FlowMark application software for car rental within the Walker et al and Travel Agent system with the motivation of providing record keeping and tracking of rental car activity thereby supplying the user with accurate and precise reports.

As per claim 7, Walker et al. teaches the claimed rental vehicle software program further comprises a data base, said data base storing rental vehicle reservation activity for access by said

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authorized purchasers. This limitation is met by CPO database that tracks all CPO's (see: column 13, lines 23-29).

As per claim 8, Travel Agent teaches the claimed rental vehicle software program is configured to automatically communicate billing information to said authorized purchaser for further processing (see: paragraph 2).

As per claim 9, Travel Agent teaches the claimed rental vehicle software program is configured to communicate messages between said authorized purchaser and any others having access to said rental vehicle software program (paragraph 1 and 2).

As per claim 10, Travel Agent teaches the claimed rental vehicle software program is configured for allowing access through its Internet web site to a plurality of non-rental vehicle service providers, and for limiting the functionality available to said plurality of non-rental vehicle service providers. This feature is met by the insurance company's adjuster ability to make reservation (see: paragraph 2).

As per claim 11, Travel Agent teaches the claimed plurality of non-rental vehicle service providers include vehicle repair facilities (see: paragraph 3).

As per claim 12, Walker et al. teaches a second computer system, said second computer system having a second computer software program resident thereon, said second computer software program being configured to process for fulfillment rental vehicle transactions at a plurality of geographically diverse branch facilities each of which has a plurality of vehicles for rental, said second computer system being linked to said first computer system. This limitation is met by the seller interface (300, Fig. 1) and buyer interface (400, Fig. 1) all connected via an



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Internet connection (see: column 11, lines 53-61). Furthermore, buyers are able to reach a large number of remotely located sellers (see: column 10, lines 40-43).

As per claim 13, Walker et al. teaches each of said first and second computer systems comprises a network having a main frame computer, said main frame computers being linked to each other, and wherein said second computer system further comprises a WAN. This limitation is met by the method and apparatus for bilateral buyer-driven commerce comprising a seller interface (300, Fig. 1), central controller (200, Fig. 1) and buyer interface (400, Fig. 1) all connected via an Internet connection (see: column 11, lines 55-59 and Fig. 1). In addition, each controller is attached to WAN hub that serves as the primary communication link for the interface devices (see: column 14, lines 31-41).

As per claims 14-23, they are rejected for the same reason set forth in claims 2-11.

As per claims 24 and 25, they are rejected for the same reason set forth in claims 1 and 2.

As per claim 26, Walker et al. teaches a second computer system resident in said second business organization, said second computer system having a second computer software program resident thereon, said second computer software program being configured to assess fulfill rental vehicle transactions at any one of the plurality of geographically diverse branch facilities each of which has a plurality of vehicles for rental, said second computer system being linked to said first computer system for bi-directional communication they between. This limitation is met by the method and apparatus for bilateral buyer-driven commerce comprising a seller interface (300, Fig. 1), central controller (200, Fig. 1) and buyer interface (400, Fig. 1) all connected via an Internet connection (see: column 11, lines 55-59). Walker et al. further teaches that

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communication between the buyer and seller take place via electronic network (see: column 15, lines 45-48).

As per claim 27, Walker et al. teaches each of said first and second computer systems comprises a network having a main frame computer, said main frame computers being linked to each other for bi-directional communication therebetween, and wherein said second computer system further comprises a WAN. This limitation is met by the method and apparatus for bilateral buyer-driven commerce comprising a seller interface (300, Fig. 1), central controller (200, Fig. 1) and buyer interface (400, Fig. 1) all connected via an Internet connection (see: column 11, lines 55-59). Walker et al. further teaches that communication between the buyer and seller take place via electronic network (see: column 15, lines 45-48). In addition, each controller is attached to WAN hub that serves as the primary communication link for the interface devices (see: column 14, lines 31-41).

As per claim 28, Walker et al. teaches said rental vehicle software program is configured to permit a rental vehicle reservation to be initiated remote from said third party authorized purchaser and communicated to said third party authorized purchaser for authorization. This limitation is met by the method and apparatus for bilateral buyer-driven commerce comprising a seller interface (300, Fig. 1), central controller (200, Fig. 1) and buyer interface (400, Fig. 1) all connected via an Internet connection (see: column 11, lines 55-59 and Fig. 1). Walker et al. further teaches that communication between the buyer and seller take place via electronic network (see: column 15, lines 45-48). In addition, each controller is attached to WAN hub that serves as the primary communication link for the interface devices (see: column 14, lines 31-41).

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In addition, each controller is attached to WAN hub that serves as the primary communication link for the interface devices (see: column 14, lines 31-41).

As per claims 29-34, they are rejected for same reason set forth in claims 16, 18, 8-9 and 10-11, respectively.

As per claim 35, Walker et al. teaches a method and apparatus for bilateral buyer-driven commerce comprising a seller interface (300, Fig. 1), central controller (200, Fig. 1) and buyer interface (400, Fig. 1) all connected via an Internet connection (see: column 11, lines 55-59). In addition, Walker et al teaches in box (515, Fig. 5), that a buyer logs on to central controller to purchase for example, a rental car using a electronic form or contract, the form is displayed via the buyer interface (400, Fig. 1) (see: column 16, lines 15, line 60 to column 16, line 11). Walker et al. further teaches that the form is a conditional purchase offer (CPO), which specifies the subject of the goods a person wishes to purchase, a description of the goods a person wishes to obtain, and any other conditions the buyer requires (see: column 8, lines 46-49). The CPO may be transcribed into digital text and made available to potential sellers ("plurality of competitive providers") (see: column 17, lines 7-19 and column 18, lines 15-21). Additionally, buyers are able to reach a large number of remotely located sellers (see: column 10, lines 40-43). Walker et al. also teaches that communication between the buyer and seller take place via electronic network (see: column 15, lines 45-48). In addition, each controller is attached to WAN hub that serves as the primary communication link for the interface devices (see: column 14, lines 31-41).

Walker et al. fail to teach:

a computer software program to provide an Internet site access by a third party user;

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integrated business including a computer system having a business software program configured to automatically accept reservations; and

providing on-going management including administrative control and accounting for, services offered;

Travel Agent teaches Enterprise Rent-a-Car 24-hour car reservation service that enables insurance adjusters to quickly secure a car for customers. Automated Rental Management System or ARMS, allows insurance companies to do business with Enterprise electronically, including making reservation, rental extensions, billing and payment (see: paragraph 2).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include Enterprise Rent-a-Car 24-hour car reservation service as taught by Travel Agent within the bilateral buyer-driven commerce method for car rental as taught Walker et al. with the motivation of allowing authorized user to provide reliable and dependable service to customer involved in rental car insurance claim.

Walker et al. and Travel Agent fail to expressly teach rental vehicle software.

Brandt et al. teaches FlowMark application software with purpose of renting a car that allows an authorized user to enter car rental information through a rental car agency's web site form (see: column 14, line 53 to column 15, line 37). Brandt et al. further teaches that the FlowMark application software outputs data container, which include car rental reservation information (see: column 14, lines 6-10 and 53-64).

One of ordinary skill in the art at the time the invention was made would have found it obvious to include the FlowMark application software for car rental within the Walker et al and

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Travel Agent system with the motivation of providing record keeping and tracking of rental car activity thereby supplying the user with accurate and precise reports.

As per claim 36, Walker et al. teaches the claimed Internet site software program is configured to provide said access to said business software program for a range of functional interactions therewith. This limitation is met by the method and apparatus for bilateral buyer-driven commerce comprising a seller interface (300, Fig. 1), central controller (200, Fig. 1) and buyer interface (400, Fig. 1) all connected via an Internet connection (see: column 11, lines 55-59). In addition, Walker et al teaches in box (515, Fig. 5), that a buyer logs on to central controller to purchase for example, a rental car using a electronic form or contract, the form is displayed via the buyer interface (400, Fig. 1) (see: column 16, lines 15, line 60 to column 16, line 11).

As per claim 37, Walker et al. teaches the claimed Internet site computer software program is configured to provide access to an authorized purchaser of a plurality of said service providers' services, said authorized purchaser comprising a multi-level business organization requiring interaction at a plurality of levels of said business software program. This feature is met by the method and apparatus for bilateral buyer-driven commerce comprising a seller interface (300, Fig. 1), central controller (200, Fig. 1) and buyer interface (400, Fig. 1) all connected via an Internet connection (see: column 11, lines 55-59). In addition, Walker et al teaches in box (515, Fig. 5), that a buyer logs on to central controller to purchase for example, a rental car using a electronic form or contract, the form is displayed via the buyer interface (400, Fig. 1) (see: column 16, lines 15, line 60 to column 16, line 11). Walker et al. further teaches that the form is a conditional purchase offer (CPO), which specifies the subject of the goods a person

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wishes to purchase, a description of the goods a person wishes to obtain, and any other conditions the buyer requires (see: column 8, lines 46-49). The CPO may be transcribed into digital text and made available to potential sellers (“plurality of service providers’ services”) (see: column 17, lines 7-19 and column 18, lines 15-21).

As per claim 38, Travel Agent teaches the claimed at least one service provider having an integrated business is itself a multi-level business organization, said business software program providing communication of business information needed to effectively execute reservations placed for delivery of its services, and wherein said Internet site software program is configured to provide interaction between different levels of both of said business organizations. This limitation is met by Enterprise Rent-a-Car 24-hour car reservation service that enables insurance adjusters to quickly secure a car for customers. Automated Rental Management System or ARMS, allows insurance companies to do business with Enterprise electronically, including making reservation, rental extensions, billing and payment (see: paragraph 2).

As per claim 39, Travel Agent teaches the claimed Internet site software program is further configured to provide controlled access to said business software program by third party service providers. This limitation is met by Enterprise Rent-a-Car 24-hour car reservation service that enables insurance adjusters (“third party”) to quickly secure a car for customers. Automated Rental Management System or ARMS, allows insurance companies to do business with Enterprise electronically, including making reservation, rental extensions, billing and payment (see: paragraph 2).

As per claim 40, it is rejected for same reason set forth in claim 13.

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As per claim 45, Walker et al. teaches a method and apparatus for bilateral buyer-driven commerce comprising a seller interface (300, Fig. 1), central controller (200, Fig. 1) and buyer interface (400, Fig. 1) all connected via an Internet connection (see: column 11, lines 55-59). In addition, Walker et al teaches in box (515, Fig. 5), that a buyer logs on to central controller to purchase for example, a rental car using a electronic form or contract, the form is displayed via the buyer interface (400, Fig. 1) (see: column 16, lines 15, line 60 to column 16, line 11). Walker et al. further teaches that the form is a conditional purchase offer (CPO), which specifies the subject of the goods a person wishes to purchase, a description of the goods a person wishes to obtain, and any other conditions the buyer requires (see: column 8, lines 46-49). The CPO may be transcribed into digital text and made available to potential sellers ("plurality of competitive providers") (see: column 17, lines 7-19 and column 18, lines 15-21). Additionally, buyers are able to reach a large number of remotely located sellers (see: column 10, lines 40-43). Walker et al. also teaches that communication between the buyer and seller take place via electronic network (see: column 15, lines 45-48).

Walker et al. fails to teach:

a third party authorized purchaser of rental vehicle services;  
rental vehicle software program; and  
rental vehicle reservation having sufficient information for authorizing, processing and billing said rental vehicle transaction so that a rental vehicle transaction may be automatically processed thereby.

Travel Agent teaches Enterprise Rent-a-Car 24-hour car reservation service that enables insurance adjusters to quickly secure a car for customers. Automated Rental Management

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System or ARMS, allows insurance companies ("third party") to do business with Enterprise electronically, including making reservation, rental extensions, billing and payment (see: paragraph 2).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include Enterprise Rent-a-Car 24-hour car reservation service as taught by Travel Agent within the bilateral buyer-driven commerce method for car rental as taught Walker et al. with the motivation of allowing authorized user to provide reliable and dependable service to customer involved in rental car insurance claim.

Walker et al. and Travel Agent fail to expressly teach rental vehicle software program.

Brandt et al. teaches FlowMark application software with purpose of renting a car that allows an authorized user to enter car rental information through a rental car agency's web site form (see: column 14, line 53 to column 15, line 37). Brandt et al. further teaches that the FlowMark application software outputs data container, which include car rental reservation information (see: column 14, lines 6-10 and 53-64).

One of ordinary skill in the art at the time the invention was made would have found it obvious to include the FlowMark application software for car rental within the Walker et al and Travel Agent system with the motivation of providing record keeping and tracking of rental car activity thereby supplying the user with accurate and precise reports.

As per claim 46, Brandt et al. teaches the claimed software program is configured to permit said third party authorized purchases to generate a report comprised of that users work load sorted by completion date (see: column 14, lines 6-10).



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As per claim 51, Walker et al. teaches a method and apparatus for bilateral buyer-driven commerce comprising a seller interface (300, Fig. 1), central controller (200, Fig. 1) and buyer interface (400, Fig. 1) all connected via an Internet connection (see: column 11, lines 55-59). In addition, Walker et al teaches in box (515, Fig. 5), that a buyer logs on to central controller to purchase for example, a rental car using a electronic form or contract, the form is displayed via the buyer interface (400, Fig. 1) (see: column 16, lines 15, line 60 to column 16, line 11). Walker et al. further teaches that the form is a conditional purchase offer (CPO), which specifies the subject of the goods a person wishes to purchase, a description of the goods a person wishes to obtain, and any other conditions the buyer requires (see: column 8, lines 46-49). The CPO may be transcribed into digital text and made available to potential sellers ("plurality of competitive providers") (see: column 17, lines 7-19 and column 18, lines 15-21). Additionally, buyers are able to reach a large number of remotely located sellers (see: column 10, lines 40-43). Walker et al. also teaches that communication between the buyer and seller take place via electronic network (see: column 15, lines 45-48).

Walker et al. fails to teach:

placing a reservation for use by another;

rental vehicle software program; and

managing the authorizing, processing and billing of said rental vehicle reservation so that a rental vehicle reservation may be automatically processed thereby for at least said one rental vehicle service provider.

Travel Agent teaches Enterprise Rent-a-Car 24-hour car reservation service that enables insurance adjusters to quickly secure a car for customers. Automated Rental Management

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System or ARMS, allows insurance companies to do business with Enterprise electronically, including making reservation, rental extensions, billing and payment (see: paragraph 2).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include Enterprise Rent-a-Car 24-hour car reservation service as taught by Travel Agent within the bilateral buyer-driven commerce method for car rental as taught Walker et al. with the motivation of allowing authorized user to provide reliable and dependable service to customer involved in rental car insurance claim.

Walker et al. and Travel Agent fail to expressly teach rental vehicle software.

Brandt et al. teaches FlowMark application software with purpose of renting a car that allows an authorized user to enter car rental information through a rental car agency's web site form (see: column 14, line 53 to column 15, line 37). Brandt et al. further teaches that the FlowMark application software outputs data container, which include car rental reservation information (see: column 14, lines 6-10 and 53-64).

One of ordinary skill in the art at the time the invention was made would have found it obvious to include the FlowMark application software for car rental within the Walker et al and Travel Agent system with the motivation of providing record keeping and tracking of rental car activity thereby supplying the user with accurate and precise reports.

As per claim 52, The rental vehicle reservation system of claim 51 wherein said third party authorized purchaser comprises a business organization, said business organization having a plurality of authorized purchasers, said plurality of authorized purchasers being enabled to access said Internet web site from any location offering Internet web access, and wherein said at

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least one rental vehicle service provider further comprises a second business organization, said second business organization comprising a plurality of diverse rental vehicle locations.

As per claims 52-56, they are rejected for the same reason set forth in claims 14-18.

As per claim 57, it is rejected for the same reason set forth in claim 13.

As per claim 58, it is rejected for the same reason set forth in claim 35.

As per claim 59, Walker et al. teaches the claimed computer software program has means for providing access to an authorized purchaser for placing said reservations, said authorized purchaser comprising the multi-level business organization. Walker et al teaches in box (515, Fig. 5), that a buyer logs on to central controller to purchase for example, a rental car using a electronic form or contract, the form is displayed via the buyer interface (400, Fig. 1) (see: column 16, lines 15, line 60 to column 16, line 11). Travel Agent teaches Enterprise Rent-a-Car 24-hour car reservation service that enables insurance adjusters to quickly secure a car for customers. Automated Rental Management System or ARMS, allows insurance companies to do business with Enterprise electronically, including making reservation, rental extensions, billing and payment (see: paragraph 2).

As per claim 60, Walker et al. teaches the claimed said at least one service provider comprises a multi-level business organization, said computer software program having means for providing bi-directional communication between multiple levels of each business organization. This limitation is met by the method and apparatus for bilateral buyer-driven commerce comprising a seller interface (300, Fig. 1), central controller (200, Fig. 1) and buyer interface (400, Fig. 1) all connected via an Internet connection (see: column 11, lines 55-59). Walker et al.

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also teaches that communication between the buyer and seller take place via electronic network (see: column 15, lines 45-48).

As per claim 61, it is rejected for the same reason set forth in claim 13.

As per claims 67-68, they are rejected for the same reasons set forth in claims 16 and 18.

As per claim 65, it is rejected for the same reasons set forth in claim 51.

As per claim 66, Brandt et al. teaches the claimed management software has means for invoicing the reservations placed therethrough (see: column 14, lines 6-10).

As per claims 69 and 70, they are rejected for the same reasons set forth in claims 51 and 52.

As per claims 71-75, they are rejected for the same reasons set forth in claims 15-18 and 13, respectively.

As per claims 76-87, they are rejected for the same reasons set forth in claims 58-69.

As per claims 88 and 89, they are rejected for the same reasons set forth in claims 62 and 65.

As per claims 90 and 93, they are rejected for the same reasons set forth in claim 51.

As per claim 91, Walker et al. teaches the claimed bi-directional communication with the integrated business software. This limitation is met by the communication between the buyer and seller via an electronic network (see: column 15, lines 45-48).

As per claims 92 and 94, they are rejected for the same reasons set forth in claim 35.

5. Claims 41-44 and 47-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,794,207 to Walker et al. in view of "Many Ways to Sell" by Travel Agent

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As per claims 41 and 43, Walker et al. teaches a method and apparatus for bilateral buyer-driven commerce comprising a seller interface (300, Fig. 1), central controller (200, Fig. 1) and buyer interface (400, Fig. 1) all connected via an Internet connection (see: column 11, lines 55-59). In addition, Walker et al teaches in box (515, Fig. 5), that a buyer logs on to central controller to purchase for example, a rental car using a electronic form or contract, the form is displayed via the buyer interface (400, Fig. 1) (see: column 16, lines 15, line 60 to column 16, line 11). Walker et al. further teaches that the form is a conditional purchase offer (CPO), which specifies the subject of the goods a person wishes to purchase, a description of the goods a person wishes to obtain, and any other conditions the buyer requires (see: column 8, lines 46-49). The CPO may be transcribed into digital text and made available to potential sellers ("plurality of competitive providers") (see: column 17, lines 7-19 and column 18, lines 15-21). Additionally, buyers are able to reach a large number of remotely located sellers (see: column 10, lines 40-43). Walker et al. also teaches that communication between the buyer and seller take place via electronic network (see: column 15, lines 45-48).

Walker et al. fail to teach:

make reservations for any one of a plurality of competitive rental vehicle service providers;

providing an Internet site computer system having a software program configured to create Internet access thereto; and

a third party authorized purchaser for managing the vehicle reservation.

Travel Agent teaches Enterprise Rent-a-Car 24-hour car reservation service that enables insurance adjusters to quickly secure a car for customers. Automated Rental Management

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System or ARMS, allows insurance companies to do business with Enterprise electronically, including making reservation, rental extensions, billing and payment (see: paragraph 2).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include Enterprise Rent-a-Car 24-hour car reservation service as taught by Travel Agent within the bilateral buyer-driven commerce method for car rental as taught Walker et al. with the motivation of allowing authorized user to provide reliable and dependable service to customer involved in rental car insurance claim.

As per claims 42 and 44, Walker et al. teaches the claimed provider's computer system further comprises a main frame computer, and wherein the step of establishing a communication path includes the step of establishing a link between said authorized purchaser's computer and said main frame computer. This limitation is met by the method and apparatus for bilateral buyer-driven commerce comprising a seller interface (300, Fig. 1), central controller (200, Fig. 1) and buyer interface (400, Fig. 1) all connected via an Internet connection (see: column 11, lines 55-59). In addition, Walker et al teaches in box (515, Fig. 5), that a buyer logs on to central controller to purchase for example, a rental car (see: column 16, lines 15, line 60 to column 16, line 11).

As per claim 47, Walker et al. teaches a method and apparatus for bilateral buyer-driven commerce comprising a seller interface (300, Fig. 1), central controller (200, Fig. 1) and buyer interface (400, Fig. 1) all connected via an Internet connection (see: column 11, lines 55-59). In addition, Walker et al teaches in box (515, Fig. 5), that a buyer logs on to central controller to purchase for example, a rental car using a electronic form or contract, the form is displayed via the buyer interface (400, Fig. 1) (see: column 16, lines 15, line 60 to column 16, line 11). Walker

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et al. further teaches that the form is a conditional purchase offer (CPO), which specifies the subject of the goods a person wishes to purchase, a description of the goods a person wishes to obtain, and any other conditions the buyer requires (see: column 8, lines 46-49). The CPO may be transcribed into digital text and made available to potential sellers ("plurality of competitive providers") (see: column 17, lines 7-19 and column 18, lines 15-21). Additionally, buyers are able to reach a large number of remotely located sellers (see: column 10, lines 40-43). Walker et al. also teaches that communication between the buyer and seller take place via electronic network (see: column 15, lines 45-48).

Walker et al. fails to teach:

placing reservations for rental vehicle services; and  
managing the on-going fulfillment of said reservation from placement through completion.

Travel Agent teaches Enterprise Rent-a-Car 24-hour car reservation service that enables insurance adjusters to quickly secure a car for customers. Automated Rental Management System or ARMS, allows insurance companies ("third party") to do business with Enterprise electronically, including making reservation, rental extensions, billing and payment (see: paragraph 2).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include Enterprise Rent-a-Car 24-hour car reservation service as taught by Travel Agent within the bilateral buyer-driven commerce method for car rental as taught Walker et al. with the motivation of allowing authorized user to provide reliable and dependable service to customer involved in rental car insurance claim.

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As per claims 48 and 50, Walker et al. teaches the claimed Internet site computer is further configured to allow data requirements for said reservation to be customized. This feature is met by the CPO at step 520 where provision for a rental car may added such as the car being a compact vehicle (see: column 16, lines 12-26).

As per claim 49, Walker et al. teaches the claimed Internet site is networked through the Internet with said other providers. This feature is met by the method and apparatus for bilateral buyer-driven commerce comprising a seller interface (300, Fig. 1), central controller (200, Fig. 1) and buyer interface (400, Fig. 1) all connected via an Internet connection (see: column 11, lines 55-59).

6. Claims 62-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,794,207 to Walker et al. in view of U.S. Patent No. 6,125,384 to Brandt et al.

As per claim 62, Walker et al. teaches a method and apparatus for bilateral buyer-driven commerce comprising a seller interface (300, Fig. 1), central controller (200, Fig. 1) and buyer interface (400, Fig. 1) all connected via an Internet connection (see: column 11, lines 55-59). In addition, Walker et al teaches in box (515, Fig. 5), that a buyer logs on to central controller to purchase for example, a rental car using a electronic form or contract, the form is displayed via the buyer interface (400, Fig. 1) (see: column 16, lines 15, line 60 to column 16, line 11). Walker et al. further teaches that the form is a conditional purchase offer (CPO), which specifies the subject of the goods a person wishes to purchase, a description of the goods a person wishes to obtain, and any other conditions the buyer requires (see: column 8, lines 46-49). The CPO may be transcribed into digital text and made available to potential sellers ("plurality of competitive providers") (see: column 17, lines 7-19 and column 18, lines 15-21). Additionally, buyers are



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able to reach a large number of remotely located sellers (see: column 10, lines 40-43). Walker et al. also teaches that communication between the buyer and seller take place via electronic network (see: column 15, lines 45-48). Additionally, Walker teaches accepting the CPO at step (660, Fig. 6) and a CPO database (265, Fig. 2) that tracks all CPO's such as status, date, time, condition, etc... (see: column 13, lines 23-29 and column 17, lines 26-47).

Walker et al. fails to teach:

computer system being programmed with reservation management software having means for providing Internet access; and  
reservation management software.

Brandt et al. teaches FlowMark application software with purpose of renting a car that allows an authorized user to enter car rental information through a rental car agency's web site form (see: column 14, line 53 to column 15, line 37). Brandt et al. further teaches that the FlowMark application software outputs data container, which include car rental reservation information (see: column 14, lines 6-10 and 53-64).

The obviousness for combining the teachings of Brandt et al. within the system as taught by Walker et al. is discussed in the rejection of claim 1, and incorporated herein.

As per claims 63-64, they are rejected for the same reasons set forth in claims 16 and 18.

***Response to Arguments***

Applicant's arguments with respect to claims 1-58 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 5/5/03 have been fully considered but they are not persuasive.

(A) At pages 5-8 of the 5/5/03 response, Applicant argues that the newly added features in the 5/5/03 amendment are not taught or suggested by the Brandt et al. and/or Business Wire references.

In response, all of the limitations which Applicant disputes as missing in the applied references, including the features newly added in the 5/5/03 and 6/25/03 amendment, have been fully addressed by the Examiner as either being fully disclosed or obvious in view of the collective teachings of Walker, Travel Agent and Brandt, based on the logic and sound scientific reasoning of one ordinarily skilled in the art at the time of the invention, as detailed in the remarks and explanations given in the preceding sections of the present Office Action, and incorporated herein. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In addition, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed

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invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

In related art (6,018,627) Iyengar et al. teaches a programmed computer system that integrates tools used in different parts of the development process.

In related art, ("Agency Rent-a-car Inc)" 10K Report discusses insurance rental companies using a diary service to aid the adjuster regarding the status of repairs to their insured or claimant's vehicle.

In related art, ("Hi-tech streamlines car rental process") Darrah discloses Automated Reservation Management System or ARMS Enterprise's latest solution to providing electronic data connection between insurer, adjusters and broker in order to monitor the car rental and vehicle repair.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Morgan whose telephone number is (703) 605-4441. The examiner can normally be reached on 8:30 a.m. - 5:00 p.m. Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (703) 305-9588. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

*RWM*  
rwm

*Joseph Thomas*  
**JOSEPH THOMAS**  
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